

Serial No. 09/846,380
Reply to Office Action of April 4, 2005

REMARKS/ARGUMENTS

Claims 1-46 are pending in this application, and all claims have been finally rejected.

Claims 1-46 stand rejected under 35 USC 102(e) as being anticipated by Tanaka et al (US Patent No. 6,633,538). The rejection of claims 1-46, as now amended, is respectfully traversed.

Claims 1-6, 9, 11-12, 15-21, 23-27 and 29-46 have been amended to more properly claim the invention and to distinguish over the Tanaka et al reference. No new matter has been added to the amended claims. Support for the new terms in the amended claims can be found, inter alia, in Table 3, and pages 10, 12, and 20 of the specification.

Claims 7 and 13 have been cancelled.

While Tanaka et al manages availability at the node level, the invention as claimed manages availability at the granularity of applications. In the invention as claimed, management of applications is done through a programmatic interface (API), wherein applications are individually invoked to drive them through the various state changes. While Tanaka et al describes how configuration tables are changed, it does not teach that the applications running on the various nodes are integrated in the availability management as now claimed.

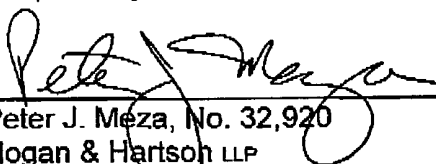
In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

Serial No. 09/846,380
Reply to Office Action of April 4, 2005

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

6/1, 2005



Peter J. Meza, No. 32,920
Hogan & Hartson LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
(719) 448-5906 Tel
(303) 899-7333 Fax